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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,754	02/06/2002	Hong-Kil Lee	K 004	1610

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EXAMINER

MENDOZA, ROBERT J

ART UNIT PAPER NUMBER

3713

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/071,754

Applicant(s)

LEE, HONG-KIL

Examiner

Robert J Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**DETAILED ACTION**

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Sullivan et al (USPN 6,663,105).**

Sullivan, in FIGS. 1-22, col. 5:10-67, col. 6:1-35, col. 7:1-67 and col. 8:1-67, discloses a lottery type selling method, the method comprising the steps of establishing a virtual shopping mall on a server; registering a sales product at the virtual shopping mall; selling a lottery corresponding to the product through a consumer's terminal connected to the server through a communication network; confirming whether or not a total sales amount of the lottery corresponding to the products arrives at a target amount at the server; if it is confirmed that the total sales amount arrives at the target amount, stopping the sale of the lottery and publicly announcing a lottery date; carrying out the lottery for the corresponding product and publicly announcing a winner; and delivering the product to the winner. Sullivan, in FIGS. 1-22, col. 5:10-67, col. 6:1-35, col. 7:1-67, col. 8:1-67, col. 9:1-67 and col. 10:1-67, discloses a step of deciding the product to be registered at the virtual shopping mall using an on-line vote through consumers' terminals connected to the server, recruiting a member of the virtual shopping mall; establishing a database for each of the members, and providing a service including a discounting

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service of the lottery price and a supply service of a compensatory lottery right depending on data of the member, renting the virtual shopping mall established on the server to a product manufacturer or other sales agent, and selling the lottery comprises a step of allowing the consumer to select a number of lottery chances. Sullivan, in FIGS. 1-22, col. 5:10-67, col. 6:1-35, col. 7:1-67, col. 8:1-67, col. 9:1-67, col. 10:1-67, col. 17:25-67, col. 19:15-45, col. 20:1-67 and col. 21:1-67, discloses the storage unit further comprises a means for storing a vote result of the consumers transmitted from the consumers terminals, and the server further comprises a means for receiving vote information on the sales products from the consumer's terminal and processing the received vote information to decide a sales product, a means for storing a membership database including membership information of the virtual shopping mall, and the server further comprises a means for recording the membership information transmitted from the consumer's terminal at the membership database, and deciding whether to discount a lottery sales price or to supply a bonus lottery chance depending on the membership database information. . Sullivan, in FIGS. 1-22, col. 5:10-67, col. 6:1-35, col. 7:1-67, col. 8:1-67, col. 9:1-67, col. 10:1-67, col. 17:25-67, col. 19:15-45, col. 20:1-67 and col. 21:1-67, discloses the storage unit further comprises a means for storing lessee database information including lessee information of the virtual shopping mall, and the server further comprises a means for registering the lessee of the virtual shopping mall and allowing the lessee to register the product at the virtual shopping mall.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached at (703) 308-1327. The USPTO official fax number is (703) 872-9306.

RM

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April 29, 2004

  
Teresa Walberg  
Supervisory Patent Examiner  
Group 3700